UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.10/Add.3
17 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 26

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION OF THE COMMISSION

DRAFT REPORT OF THE COMMISSION

Rapporteur: Ms. Margarita ESCOBAR LOPEZ

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* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

GE.97-12443 (E)

III. ORGANIZATION OF THE WORK OF THE SESSION

A. Opening and duration of the session

1. The Commission on Human Rights held its fifty-third session at the United Nations Office at Geneva from 10 March to 18 April 1997. It held ... meetings (E/CN.4/1997/SR.1-...) 1/ during the session.

2. The session was opened by Mr. Gilberto V. Saboia, Chairman of the Commission at its fifty-second session, who made a statement.

B. Attendance

3. The session was attended by representatives of States members of the Commission, by observers for other States Members of the United Nations, by observers for non-member States and by representatives of the specialized agencies, regional intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex ... to the present report.

C. Election of officers

4. At its 1st meeting, on 10 March 1997, the Commission elected the following officers by acclamation:

Chairman:	Mr. Miroslav Somol (Czech Republic)
Vice-Chairpersons:	Mr. Mounir Zahran (Egypt)
	Ms. Lilia Bautista (Philippines)
	Mr. Christian Strohal (Austria)
Rapporteur:	Ms. Margarita Escobar López (El Salvador)

D. Agenda

5. Also at its 1st meeting, the Commission had before it the provisional agenda of the fifty-third session (E/CN.4/1997/1 and Corr.1, E/CN.4/1997/1/Add.1 and Corr.1), drawn up, in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the provisional agenda considered by the Commission at its fifty-second session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

6. The agenda was adopted without a vote. For the text, see annex ...

E. Organization of work

7. At its 2nd meeting, on 11 March 1997, the Commission considered the organization of its work.

8. For the documents issued under agenda item 3, see annex ... to the present report. For a list of resolutions and decisions adopted by the Commission and statements by the Chairman, by agenda item, see annex ... to the present report.

9. Bearing in mind the respective priority of the items and the availability of the relevant documentation, the Commission accepted the recommendation of its officers that the following agenda items should be considered concurrently: items 4 and 7; items 5 and 6; items 11, 17 and 19; items 14 and 15; and items 9 and 18. The Commission further agreed to consider the agenda items in the following order: 3; 4 and 7; 13; 14 and 15; 5 and 6; 11, 17 and 19; 16; 8; 24; 9 and 18; 10 (b); 10; 21; 23; 22; 20; 12; 25; 26.

10. Also at its 2nd meeting, the Commission accepted the recommendation of its officers regarding limitation of the frequency and duration of statements. Members of the Commission were limited to one statement of 10 minutes or two statements of 5 minutes per item or group of items. Observers and non-governmental organizations were limited to one statement of 5 minutes per item or group of items. Observer States and national liberation movements mentioned in reports submitted to the Commission were limited to one statement of 5 minutes under the item concerned. It was also agreed that, with regard to rights of reply, a limitation to two replies, 3 minutes for the first and 2 minutes for the second, at the end of the day, would be observed.

11. It was also recommended that guest speakers should limit their statements to 10-15 minutes. Special rapporteurs, special representatives, independent experts and chairpersons of working groups should limit their initial statements to 10 minutes and their concluding remarks, if necessary, to 5 minutes.

12. At the same meeting, on the recommendation of its officers, the Commission decided to invite a number of experts, special rapporteurs, special representatives and chairmen-rapporteurs of working groups to participate in the meetings at which their reports were to be considered.

13. For the text of the decision as adopted, see chapter II, section B, decision 1997/101.

14. In the general debate on agenda item 3, statements 2/ were made by the following members of the Commission: Algeria (2nd), Angola (2nd, 17th),

Bangladesh (2nd), Bhutan (3rd), Canada (3rd), China (2nd, 43rd), Colombia (3rd), Cuba (2nd), Egypt (2nd), El Salvador (3rd), Germany (4th), India (2nd, 4th, 64th), Indonesia (2nd), Japan (39th), Malaysia (on behalf of the Asian Group) (2nd), Netherlands (3rd), Pakistan (2nd), Philippines (2nd), Sri Lanka (2nd, 47th, 59th), Zimbabwe (3rd).

15. The Commission heard a statement by the observer for Nigeria (2nd).

16. The Commission also heard a statement by the following non-governmental organization: Latin American Federation of Associations of Relatives of Disappeared Detainees (3rd).

17. At the 5th meeting, on 12 March 1997, the Chairman, on behalf of the Commission, made the following statement concerning the hostage-taking in the residence of the Ambassador of Japan in Lima, Peru:

"The Commission on Human Rights,

1. Vigorously condemns the occupation of the residence of the Ambassador of Japan in Lima, Peru, and the hostage-taking there by terrorist elements, as well as hostage-taking all over the world;

2. Recalls that it has repeatedly and firmly condemned hostage-taking as acts aimed at the destruction of human rights;

3. Expresses its solidarity with the Governments of Peru and Japan, as well as with the Governments of all countries concerned, and with the hostages and their families;

4. Strongly supports the efforts of the Governments of Peru and Japan to resolve the situation in a peaceful manner and encourages the continuation of the conversations between the interlocutor of the Government of Peru and the Tupac Amaru Revolutionary Movement, in order to arrive at prompt results;

5. Strongly demands that the hostages taken in the residence of the Ambassador of Japan in Lima and all other hostages held in any other country be released immediately."

18. At the 66th meeting, on 16 April 1997, the Chairman, on behalf of the Commission, made the following statement concerning the situation of human rights in Colombia:

"The Commission on Human Rights warmly welcomes the opening of the permanent office of the High Commissioner for Human Rights in Santa Fe de Bogotá. It welcomes the commitment of the High Commissioner and of

the Government of Colombia to the establishment of this office, as can be seen in the intensive negotiations leading to the successful conclusion and signing, on 29 November 1996, of the agreement between the aforementioned parties on the establishment of the said office. The Commission would have expected the office to open more promptly, and expresses the hope that it will initiate its operational activities immediately. In accordance with the statement by the Chairman of this Commission on 23 April 1996, the office is to assist the Colombian authorities in developing policies and programmes for the promotion and protection of human rights and to observe violations of human rights in the country, making reports thereon to the High Commissioner.

The Commission also acknowledges the efforts carried out by the Government of Colombia in the field of human rights and its willingness to cooperate with the Commission's special rapporteurs and working groups.

Notwithstanding the above, the Commission on Human Rights remains deeply concerned that the situation of endemic violence and the situation of internal armed conflict affecting many parts of the country have had serious consequences for human rights.

The Commission on Human Rights is also deeply concerned at the persistence of thousands of violations of the right to life, and the increasing involvement therein of so-called "paramilitary groups". This conflict entails serious and continuous abuses and violations of human rights and humanitarian law by both State agents and guerrilla groups.

The Commission urges the Government of Colombia to continue to strengthen its support, through all institutions of the State, for all those who promote the defence of human rights.

The Commission urges the guerrilla groups in Colombia to respect the norms of international humanitarian law and, especially, to abandon the use of kidnapping, hostage-taking, anti-personnel landmines, indiscriminate killings and all attacks on the civilian population. The Commission calls for the liberation, on humanitarian grounds, of the 70 Colombian soldiers held by a guerrilla group since August 1996.

The Commission on Human Rights acknowledges that the Government of Colombia has taken steps for the application of humanitarian standards

in the conflict, and welcomes its continued cooperation with the International Committee of the Red Cross and the facilitation of its humanitarian activities in the country.

The Commission on Human Rights remains deeply preoccupied at the numerous cases of disappearance, as reflected in the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1997/34). The application at the national level of the Declaration on the Protection of all Persons from Enforced Disappearance faces several obstacles, generating impunity.

The Commission on Human Rights calls for the urgent adoption of more effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance, in accordance with article 3 of the Declaration.

The Commission on Human Rights remains concerned at the alarming level of impunity, in particular concerning abuses by State agents that continue to fall under the jurisdiction of military courts; it encourages the Government of Colombia to continue and conclude the process of reform of the military penal code, in accordance with the recommendations made by the thematic rapporteur, inter alia as far as the exclusion from the jurisdiction of military courts of human rights violations, and in particular of crimes against humanity, is concerned. It welcomes the important advances made in a number of cases of gross violations of human rights by the Human Rights Unit of the Office of the General Prosecutor which is investigating and indicting State agents, guerrillas and members of 'paramilitary groups' responsible for violations of human rights or humanitarian law.

The Commission on Human Rights is deeply concerned also at the persistence of the practice of torture. The information before the Committee against Torture indicates that the law in Colombia is not yet in accordance with several obligations under the Convention against Torture. It calls on the Government of Colombia to combat the occurrence of torture and ill-treatment, as well as the impunity which permits them to continue, as stated by the Special Rapporteur on torture in his report (E/CN.4/1997/7).

The Commission on Human Rights urges the Government of Colombia to continue strengthening ordinary justice versus special systems of justice, the misuse of which can lead to serious violations of human rights and denial of a fair trial.

While encouraging the work of the Special Commission set up by the Government of Colombia for the analysis, follow-up and implementation of the recommendations of international human rights bodies, the Commission on Human Rights considers that the implementation of these recommendations, in particular those of the thematic rapporteurs and working groups, is still not sufficient.

The Commission expects that the activities of the new human rights office in Bogotà will contribute to improving the human rights situation in Colombia and to promoting a climate of trust between the Government and all sectors involved in the conflict, encouraging a process of constructive dialogue involving non-governmental organizations and other sectors of civil society, and to preventing violations of human rights and international humanitarian law.

The Commission on Human Rights requests the High Commissioner to present a comprehensive analytical report to the Commission at its fifty-fourth session on the setting up of the office and its activities, and on developments in the human rights situation in Colombia."

Organization of the work of the session (postponed)*

19. At the ... meeting, on ... 1997, the Commission took up consideration of draft decision E/CN.4/1997/L.2, sponsored by Algeria, Angola, Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, the Islamic Republic of Iran, Malaysia, Nigeria, Pakistan, the Philippines, Sri Lanka and Viet Nam.

Conscientious objection to military service

20. At the 67th meeting, on 16 April 1997, the representative of the Netherlands introduced draft decision E/CN.4/1997/L.15, sponsored by the Netherlands.

21. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/..

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* This section of chapter III will be finalized after the adoption of the draft decision.

Tolerance and pluralism as indivisible elements in the promotion and protection of Human Rights

22. At the 67th meeting, on 16 April 1997, the representative of India introduced draft decision E/CN.4/1997/L.33, sponsored by Australia, Austria, Bhutan, Brazil, Bulgaria, Canada, Colombia, Costa Rica, Cyprus, Denmark, El Salvador, Germany, India, Ireland, Italy, Netherlands, Poland, the Russian Federation, South Africa, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Madagascar and Sweden subsequently joined the sponsors.

23. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/..

Organization of the work of the fifty-fourth session of the Commission (dates of the fifty-fourth session) (postponed)*

24. At its 67th meeting, on 16 April 1997, the Chairman orally proposed a draft decision concerning the organization of the work of the fifty-fourth session of the Commission (dates of the fifty-fourth session of the Commission).

25. Statements in connection with the draft decision were made by the representatives of Argentina, Belarus, Bulgaria, Canada, Mexico, and the United Kingdom of Great Britain and Northern Ireland, and the observer for Greece.

26. The Chairman proposed postponing consideration of the draft decision.

27. The Commission, in accordance with decisions 1994/297 and 1995/296 of the Economic and Social Council, decided to recommend to the Council that the fifty-fourth session of the Commission be scheduled from ... to ... 1998.

28. For the text of the decision as adopted, see chapter II, section B, decision 1997/..

Organization of the work of the fifty-fourth session of the Commission (additional meetings)

29. At the 67th meeting, on 16 April 1997, the Chairman orally proposed a draft decision concerning the organization of the work of the fifty-fourth session of the Commission (additional meetings). The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/..

Reporting obligation

30. At its 67th meeting, on 16 April 1997, the Commission decided, without a vote, that unless otherwise indicated in the resolutions adopted at the

fifty-third session, all special rapporteurs, special representatives, independent experts and working groups entrusted with continuing thematic or country-oriented mandates established by the Commission were expected to report to the fifty-fourth session, even if the relevant resolutions did not make explicit reference to that reporting obligation.

F. Meetings, resolutions and documentation

31. As indicated in paragraph 1 above, the Commission held ... fully serviced meetings, including ... additional meetings, authorized by Economic and Social Council decision 1996/295 of 24 July 1996.

32. The resolutions and decisions adopted by the Commission at its fifty-third session are contained in chapter II of the present report. For details regarding their adoption, see annex ... Draft resolutions and decisions for action by the Economic and Social Council are set out in chapter I. For a list of resolutions and decisions adopted by the Commission and statements by the Chairman, by agenda item, see annex ... to the present report.

33. Annex ... contains a statement regarding the administrative and programme budget implications of resolutions and decisions adopted by the Commission at its fifty-third session.

34. Annex ... contains a list of documents issued for the fifty-third session of the Commission.

G. Visits

35. During its fifty-third session, the Commission heard statements 1/ by the following guest speakers:

(a) At the first meeting, on 10 March 1997, Mr. José Ayala Lasso, High Commissioner for Human Rights;

(b) At the 2nd meeting, on 11 March 1997, Ms. Lena Hjelm-Wallén, Minister for Foreign Affairs of Sweden, in connection with whose statement a statement in exercise of the right of reply was made by the representative of China (3rd), followed by a statement in exercise of the right of reply or its equivalent by the observer for Sweden (3rd); and Mr. Niels Helveg Peterson, Minister for Foreign Affairs of Denmark;

(c) At the 4th meeting, on 12 March 1997, Mr. Abdul Matin Khasru, Minister of Law, Justice and Parliamentary Affairs of Bangladesh;

Mr. Faustin Nteziryayo, Minister of Justice of Rwanda; Mrs. Rebecca Kadage, Minister of State for Foreign Affairs of Uganda; Mr. Zoran Thaler, Minister for Foreign Affairs of Slovenia;

(d) At the 5th meeting, on 12 March 1997, Mr. Hans Van Mierlo, Minister for Foreign Affairs of the Netherlands, in connection with whose statement statements in exercise of the right of reply or its equivalent were made by the representative of China (5th) and the observer for Nigeria (5th), followed by a statement in exercise of the right of reply by the representative of the Netherlands (6th); Ms. Tarja Halonen, Minister for Foreign Affairs of Finland; Mr. Xavier Emanuelli, Secretary of State for Urgent Humanitarian Action of France; Mrs. Patrizia Toia, Vice Minister for Foreign Affairs of Italy.

(e) At the 6th meeting, on 13 March 1997, Mr. Cyril Svoboda, Vice-Minister for Foreign Affairs of the Czech Republic; Mr. Ismael Tidjani-Serpos, Minister of Justice of Benin;

(f) At the 8th meeting, on 14 March 1997, Mr. Vartan Oskanian, Deputy Minister for Foreign Affairs of Armenia, in connection with whose statement a statement in exercise of the right of reply or its equivalent was made by the observer for Azerbaijan (9th);

(g) At the 10th meeting, on 17 March 1997, Mr. Azeddine Laraki, Secretary-General of the Organization of the Islamic Conference, in connection with whose statement statements in exercise of the right of reply or its equivalent were made by the representative of India (11th) and the observer for Armenia (11th);

(h) At the 12th meeting, Ms. Ljerka Mintas Hodak, Vice Prime Minister of Croatia; Mr. Marc Eloi Rahandi Chambrier, Minister of State, Minister of Justice in charge of human rights of Gabon;

(i) At the 14th meeting, on 19 March 1997, Ms. Christina Stewart, Secretary of State for Africa and Latin America of Canada, in connection with whose statement a statement in exercise of the right of reply or its equivalent was made by the observer for Nigeria (15th); Mr. Jan Egeland, State Secretary, Ministry for Foreign Affairs of Norway, in connection with whose statement a statement in exercise of the right of reply or its equivalent was made by the observer for the Islamic Republic of Iran (15th);

(j) At the 16th meeting, on 20 March 1997, Mr. Hans Van den Broek, Member of the European Commission in charge of external relations;

(k) At the 18th meeting, on 21 March 1997, Ms. Christine Ruhaza, Minister of Human Rights, Social Action and Promotion of Women of Burundi;

(l) At the 20th meeting, on 24 March 1997, Ms. Hanan Ashrawi, Minister of High Education in the Palestinian Authority, in accordance with rule 70 of the rules of procedure, in connection with whose statement a statement in exercise of the right of reply or its equivalent was made by the observer for Israel (21st);

(m) At the 22nd meeting, on 25 March 1997, Mr. Camilo Reyes, Vice-Minister for Foreign Affairs of Colombia;

(n) At the 28th meeting, on 27 March 1997, Mr.René Blattman, Minister of Justice of Bolivia;

(o) At the 30th meeting, on 1 April 1997, Ms. Sadako Ogata, United Nations High Commissioner for Refugees; Mr. Bill Richardson, Permanent Representative of the United States of America to the United Nations, in connection with whose statement statements in exercise of the right of reply or its equivalent were made by the representatives of China (31st), Cuba (31st) and the observers for Iraq (31st), Myanmar (31st), and Palestine (31st);

(p) At the 33rd meeting, on 2 April 1997, Ms. Martha Altolaguirre, Minister for Human Rights of Guatemala; Mr. Ephrem Seth Dorkenoo, Minister of Justice and Human Rights of Togo; Mr. Ljubomir Danailov Frckoski, Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia, in connection with whose statement statements in exercise of the right of reply or its equivalent were made by the observer for Greece (34th), followed by statements in exercise of the right of reply by the observer for the former Yugoslav Republic of Macedonia (34th); Mr, Valdis Birkavs, Minister for Foreign Affairs of Latvia;

(q) At the 43rd meeting, on 7 April 1997, Mr. Husein Zivalj, Vice-Minister for Foreign Affairs of Bosnia and Herzegovina;

(r) At the 46th meeting, on 8 April 1997, Mr. Abdel Basit-Sabdarat, Minister of Justice of the Sudan;

(s) At the 49th meeting, on 9 April 1997, Mr. Kofi Annan, Secretary-General of the United Nations; Ms. Carol Bellamy, Executive Director of the United Nations Children's Fund;

(t) At the 59th meeting, on 14 April 1997, Mr. Sardar Abdul Qayyum Khan, Federal Minister of Pakistan;

(u) At the 63rd meeting, on 15 April 1997, Mr. Francisco-Javier Ngomo Mbengono, Vice Prime Minister of Equatorial Guinea.

H. Other matters

36. At the 1st meeting, on 10 March 1997, the Commission on Human Rights observed a minute of silence in memory of the five members of the Human Rights Field Operation in Rwanda who lost their lives in an ambush on 4 February 1997.

37. At the 8th meeting, on 14 March 1997, Mr. José Ayala Lasso, High Commissioner for Human Rights made a statement. At the same meeting, statements were made by the representatives of China, the Czech Republic (on behalf of the Eastern European Group), El Salvador (on behalf of the Group of Latin American Countries), Gabon, Germany, Malaysia (on behalf of the Asian Group), the Netherlands (on behalf of the European Union), Pakistan and the United States of America. The observer for Mauritius, on behalf of the African Group, also made a statement.

38. At the 18th meeting, on 21 March 1997, the Commission on Human Rights, at the request of the representative of Zimbabwe, observed a minute of silence in memory of the late Mr. Michael Manley, Prime Minister of Jamaica.

39. At the 22nd meeting, on 25 March 1997, Mr. Pierre-Henri Imbert, Director of Human Rights of the Council of Europe made a statement.

40. At the 35th meeting, on 2 April 1997, the Commission on Human Rights, at the request of the representative of Turkey, observed a minute of silence in memory of the victims of racism and xenophobia all over the world.

41. At the 36th meeting, on 3 April 1997, the representative of the Netherlands (on behalf of the European Union) made a general statement on the financial implications of draft resolutions and decisions adopted by the Commission.

42. At the 50th meeting, on 9 April 1997, Mr. Maryan Baquerot, Director, Division of Administration, United Nations Office in Geneva, made a statement on the procedures that apply in respect of administrative and budgetary matters.